

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARL FORSELL,)	CASE NO. 5:22-CV-01454-CEH
)	
Plaintiff,)	CARMEN E. HENDERSON
)	UNITED STATES MAGISTRATE
v.)	JUDGE
)	
SQUIRRELS, LLC, ALLMINE, INC.,)	
DAVID STANFILL,)	AMENDED CASE MANAGEMENT
)	ORDER
Defendants,)	

This matter came before Magistrate Judge Carmen E. Henderson for status conference on September 10, 2024. In accordance with Federal Rule of Civil Procedure 26(f) and Civil Local Rule 16.3, the following determinations were agreed to by the lead counsel of record, and the Case Management Conference Order (ECF No. 25) is amended as follows:

1. Discovery Cutoff.

Fact discovery is reopened and shall be completed on or before January 31, 2025. Expert discovery is reopened and shall be completed on or before January 31, 2025. The party initially seeking to introduce expert testimony shall exchange its Expert Report on or before November 15, 2024. Responsive Expert Reports shall be exchanged on or before December 15, 2024. Without leave of Court, no discovery materials shall be filed, except as necessary to support dispositive motions.

2. Discovery.

The parties are reminded of their obligations under Fed. R. Civ. P. 26, as amended.

The Court directs the parties to comply with Local Rule 37.1 before filing any motion seeking aid from the court in discovery dispute requests. Additionally, to submit a discovery dispute to this Court, the parties shall submit a joint letter to Henderson_Chambers@ohnd.uscourts.gov summarizing the dispute with any relevant discovery requests and/or responses attached. The Court will then hold a telephone conference to resolve the dispute. If the dispute is not resolved after the conference, the Court may order additional actions as necessary, pursuant to Local Rule 37.1.

Further, the parties previously agreed to follow the default standard for discovery of electronically-stored information (Appendix K to the Northern District of Ohio Local Rules).

1. Witness and Exhibit Lists.

Parties shall comply with Fed. R. Civ. P. 26, as amended, regarding a disclosure of witnesses and exhibits to be presented at trial. No witnesses or exhibits will be permitted unless provided to opposing counsel in accordance with Rule 26.

2. Amendment of Pleadings.

The time for amending pleading without prior approval from the Court has passed.

3. Dispositive Motions.

Dispositive motions shall be filed on or before March 3, 2025. Responses in opposition are due April 3, 2025. Replies in support are due on or before April 17, 2025.

Parties shall comply with Local Rule 7.1(f) with respect to page limitations. A memorandum that exceeds the page limitations shall not be filed until a motion for leave to file such memorandum is granted. Such leave shall be sought at least five (5) days prior to the filing date. No sur-replies will be permitted, absent advance leave of Court.

4. Extensions of Time.

Before requesting an extension of time, counsel shall request the consent of other parties, and shall state in the written motion for extension whether consent was obtained. **Requests not ruled upon are considered denied unless or until otherwise indicated.** Accordingly, the court encourages parties to request extensions at least three (3) days ahead of the deadline to allow time for the Court to rule.

5. Status Hearing.

A status conference may be scheduled on an as-needed basis.

6. Joint Status Update.

The parties' next Joint Status Update shall be filed on or before November 18, 2024, and every 90 days thereafter. The updates shall include the status of discovery, outstanding motions, any reasons to deviate from the schedule, and the settlement stance.

7. Final Pretrial.

A final pretrial is scheduled for June 18, 2025.

8. Trial Date.

A jury trial is scheduled for July 11, 2025. Voir dire will be held on July 11, 2025. Opening statements will begin on July 14, 2025.

9. Protective orders.

Parties shall submit agreed protective orders as a stipulated motion. If agreed protective orders are approved, it will be with the understanding that, in the event this case should go to trial, no materials used in open court shall be entitled to the continuing designation of "confidential."

If either party seeks to obtain judgment by either a motion to dismiss or a motion for summary judgment, only supporting confidential documentation, not the motions themselves, may be filed under seal.

10. Additional Matters

The following additional matters were discussed:

- Defendants to notify the Court and Plaintiff by 4:00 PM on Friday, September 13, 2024, whether they oppose Plaintiff's request to participate in the trial via video.
- Plaintiff and Defendant Allmine shall promptly update the Court via email regarding the status of the follow up mediation scheduled for September 18, 2024.

Parties are reminded to comply with all Local Rules, including, but not limited to, the page limitations for briefs and formatting requirements for briefs.

IT IS SO ORDERED.

Dated: September 10, 2024

s/ Carmen E. Henderson
CARMEN E. HENDERSON
U.S. MAGISTRATE JUDGE